

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE COMMISSIONER OF HUMAN SERVICES

In the Matter of the Appeal of the
Determination of the Responsible
Authority for Carver County Community
Social Services that Certain Data
Concerning Sandy Fiecke are Accurate
and/or Complete

PROTECTIVE ORDER

Because this matter involves some data that are not public, and because access to this data is necessary for the parties to properly present their cases, it is necessary to issue a Protective Order addressing the discovery and use of such data.

NOW, THEREFORE, pursuant to Minn. Stat. §§ 13.03, subd. 6, and 14.60, subd. 2, the Administrative Law Judge makes the following:

ORDER

IT IS HEREBY ORDERED that:

1. Disclosure of not public data is permitted in the course of this matter, but is limited to parties, counsel of record, employees assisting counsel, and representatives and witnesses of the parties to the extent necessary to prepare and present claims and defenses or as required by court order.

2. Sandy Fiecke and her counsel, representatives, or witnesses may not disclose any data encompassed by this order to persons other than those mentioned in paragraph one above, and must return all data released pursuant to this order to counsel for Carver County Community Social Services at the conclusion of this matter.

3. Notwithstanding Minn. Stat. § 13.46, subds. 3 or 4(e), data identifying victims or witnesses who are children or vulnerable adults shall not become public data by virtue of having been submitted to this proceeding and shall remain not public after the conclusion of this hearing. In preparation for and during the hearing, the parties may refer to names of individuals involved and will have access to documents containing private information. Unless the Administrative Law Judge determines that it is in the best interest of the alleged victims or witnesses who are children or vulnerable adults, the record will not be

sealed. The Administrative Law Judge's Recommendation and the Commissioner's Order shall use non-identifying initials or aliases in place of the names of any alleged victims and witnesses who are children or vulnerable adults.

4. The hearing in this matter is presumed open. If there is testimony by an alleged victim or witness who is a child or a vulnerable adult, that portion of the hearing shall be closed. If a transcript is ordered, the names of the alleged victims and witnesses who are children or vulnerable adults shall be redacted and replaced by non-identifying initials or aliases.

5. The data encompassed by this order may be used only in this proceeding and not for any other purpose including collateral litigation, unless otherwise ordered by a court of law.

6. This Protective Order does not authorize the disclosure of the identity of reporters of maltreatment under Minn. Stat. §§ 626.556, subd. 11; or 626.557, subd. 12b(c).

7. This protective order does not authorize the disclosure of any videotapes of any child victim or alleged child victim unless the requirements of Minn. Stat. § 611A.90, subd. 2, paragraph (b) have been met. See, Minn. Stat. § 13.03, subd. 6.

Dated: February 22, 2007

s/Kathleen D. Sheehy

KATHLEEN D. SHEEHY
Administrative Law Judge